

III. REMARKS

Submitted herewith is a copy of each foreign patent and each foreign patent application listed on the information disclosure statement filed 9/29/03.

The drawings are amended as described above and shown on the appended replacement sheets. These amendments overcome the Examiner's objections under 37 CFR 1.83(a) regarding the reference numbers 430, 435, and 440 by including these reference numbers on Figure 4. The amendments also overcome the objection under 37 CFR 184(p)(4) by the amendment of Figure 7 to indicate the central area with reference number 264 instead of number 265. Reference number 265 now refers exclusively to the wafer transfer plane. The specification is also amended at those locations referring to the central area. These amendments to the specification change the reference number for the central area to number 264, in correspondence with the amendment of Figure 7. In addition, the specification is amended on page 19 to correct a typographical error by correcting the reference number for the magazine door drive.

The Examiner has objected to the drawings under 37 CFR 1.83(a) as not showing every feature specified in the claims. The Applicants respectfully disagree. Specifically, the Examiner has asserted that the drawings do not show the sensor extending inside the magazine. The Applicants note that Fig. 7 clearly shows the sensor 245 extending inside the magazine 210. Also, the Examiner has asserted that the drawings do not show the sensor mounted to the magazine door drive. However, Fig. 11 clearly shows the sensor 245 mounted on the magazine door drive

235. As the drawings do show the indicated features, the Applicants respectfully request withdrawal of these objections.

Claim 10 has been amended to remove the typographical error cited by the examiner. The relevant portion now reads, "and is" rather than "and an is", the word "an" having been deleted.

The examiner has rejected Claims 6, 10, and 12 as being indefinite under 35 U.S.C. 112, second paragraph. The Applicants respectfully disagree. The test for indefiniteness under 35 U.S.C. 112, second paragraph, is whether a person skilled in the art would understand the claim language in light of the specification and drawings. Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 1 USPQ 2d 1081 (Fed. Cir. 1986). Definiteness of claim language must be analyzed, not in a vacuum, but in light of the content of the application disclosure (see MPEP 2173.02). Furthermore, in determining whether the claim apprises one of ordinary skill in the art of its scope, one must consider the whole claim (MPEP 2173.02). Applicants submit that Claim 10 is not indefinite when it refers to "the vertical location" because one skilled in the art would clearly understand the claim language, even from reading just the claim itself and the other claims from which it depends. Certainly one skilled in the art who, in addition to reading the claims, also read the specification and viewed the drawings, would understand the claim language. Although claims 6 and 12 have been canceled, Applicants submit that these claims were not indefinite because, again, one skilled in the art would have understood the claim language in light of the specification and drawings.

The Examiner has rejected Claims 1-10, 12 & 13, under the doctrine of obviousness-type double patenting, over Claims 1-12 of U.S. Patent No. 6,869,263. The Examiner has also rejected Claim 11 and Claims 14-22, under the doctrine of obviousness-type double patenting, over Claims 1-12 of U.S. Patent No. 6,869,263 in view of Mages (U.S. Patent No. 6,777,386). A terminal disclaimer is submitted herewith, overcoming these rejections. The terminal disclaimer is not an admission of obviousness and is only filed for the purposes of advancing prosecution of the application.

The Examiner has rejected Claims 1-10, 12, 13, 23-29 under 35 U.S.C. 102(b) as being anticipated by Mages (U.S. Patent No. 5,777,386). Claim 1 recites a buffer transport for positioning a substrate magazine along a second axis oriented in a second direction from the vertical axis and a shuttle for transporting the substrate magazine along a third axis oriented in a third direction different from the vertical and second directions. Claim 1 further recites that the buffer transport is operative for moving the substrate magazine between a first position and a second position, wherein when in the first position the substrate magazine communicates with the aperture, and when in the second position the substrate magazine is offset from the first position and is buffered, and wherein the first and second positions are horizontally coplanar. Mages discloses something different than the recited claims. Claim 1, and dependent Claims 2-5, 7-11, and 13, are patentable over the prior art of record and should be allowed.

The Examiner has rejected Claims 11, 14-22, and 30-36 under 35 U.S.C. 103(a) as being unpatentable over Mages. Claim 14 recites a station comprising a fluidic magazine door drive and

further comprising a sensor for mapping vertical locations of substrates, wherein the sensor is mounted the magazine door drive, and wherein the fluidic magazine door drive comprises an encoder for determining the vertical position of the sensor. Mages discloses an index sensor 21 for detecting projections 18 and disk-shaped objects 19 during vertical adjustment of transporting container 6 (Fig.2). However, Mages does not specify to what the sensor 21 is mounted, nor the manner of mounting. Thus, the Examiner is correct in stating that "Mages teaches the sensor 21 but is silent as to its mounting." Further, Mages fails to disclose a fluidic magazine door drive that comprises an encoder for determining the vertical position of the sensor. In order to make out a *prima facie* case of obviousness, the prior art reference (or references when combined) must disclose all the claim features (MPEP 2142). Mages does not, nor does the Examiner cite any other reference.

The Examiner cites the Applicant's own disclosure to show obviousness. This is an improper use of hindsight (*In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP 2143). Obviousness is determined at the time the invention is made, not in light of what the inventor later discloses after having made the invention.

Claim 14 is patentable over cited prior art and should be allowed. Claims 15-17, 19, 20, 22 and 24-28 are dependent on Claim 14 and should also be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable

reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

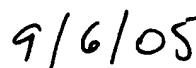
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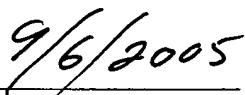


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